

# UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America  
v.  
Mario Miramontes-Gamboa

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Case No: 5:09-CR-359-1H

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USM No: 52005-056

Date of Original Judgment: June 8, 2010

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Date of Previous Amended Judgment: \_\_\_\_\_

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Debra Graves

(Use Date of Last Amended Judgment if Any)

Defendant's Attorney

## ORDER REGARDING MOTION FOR SENTENCE REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

☐ DENIED.

☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 132 months is reduced to 120 months on Counts 1 and 2,

concurrent. Count 3 remains 6 months, concurrent.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated June 8, 2010, shall remain in effect. **IT IS SO ORDERED.**

Order Date:

5/18/15

  
Judge's signature

Effective Date: November 1, 2015  
(if different from order date)

Malcolm J. Howard Senior U.S. District Judge  
Printed name and title